

CHAPTER 7 SOLID WASTE CONTROL

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700 GENERAL PROVISIONS

- 700.1 The purpose of this chapter is to establish minimum standards for the storage, collection, transportation and disposal of solid wastes, and thus promote the health, safety and welfare of the people of the District of Columbia and to enhance and improve the environment.
- 700.2 The provisions of this chapter shall apply to all solid waste storage, collection, transportation, and disposal within the District.

- 700.3 All solid wastes shall be stored and containerized for collection in a manner that will not provide food, harborage, or breeding places for insects or rodents, or create a nuisance or fire hazard.
- 700.4 No person shall deposit, throw or place or cause to be deposited, thrown or placed any solid waste in any alley, street, catch basin, or other public space, or into the Potomac River or other waters in the District, or onto any premise under the control of others.
- 700.5 The transportation and disposition of hazardous wastes shall be in accord with methods approved by the Mayor or the Mayor's agent.
- 700.6 Except as otherwise specifically provided in Title 21 DCMR or in Title 24 DCMR, Chapter 13 (Civil Fines under D.C. Law 6-100), any person who fails to comply with any provision of this chapter shall, upon conviction, be punished by a fine not to exceed three hundred dollars (\$300) or imprisonment not to exceed ten (10) days, or both.
- 700.7 In the event of any violation of, or failure to comply with this chapter, each and every day of the violation shall constitute a separate offense, and the penalties described in this section shall be applicable to each separate offense.
- 700.8 The District shall collect and remove all solid waste from buildings or structures used exclusively for residential purposes, except the following buildings or structures:
- (a) Any building or structure containing (4) or more dwelling units;
 - (b) Any building or connected group of buildings which is used, maintained, advertised, or held out as a place where, for a consideration, sleeping accommodations are furnished to five (5) or more persons who are not members of the immediate family of the owner or lessee of the building and in which the accommodations are not under the exclusive control of the occupants;
 - (c) Any building or connected group of buildings which is used, maintained, advertised, or held out as a place where, for a consideration, meals or lunches are furnished to five (5) or more boarders or to five (5) or more transients who have sleeping accommodations on the premises;
 - (d) Any dwelling units which does not abut public space; or
 - (e) Hotels.
- 700.9 The District shall not collect any solid waste from or of any place of business or from any building or structure which is not used exclusively for residential purposes.
- 700.10 Designated officials within the District agencies or departments enumerated in the governing regulations for D.C. Law 6-100, the "Litter Control Administration,"

Title 24 DCMR, Chapter 13, §1300.2, may issue the civil Notice of Violation to persons who violate the provisions of Chapter 7 of this title.

- 700.11 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of §§704.3 through 704.5, and 711 pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of §§704.3 through 704.5 and 711 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §402(4) of the Reorganization Plan No. 3 of 1967, (81 Stat. 948), 32 FR 11669, D.C. Code §1-226; §412 of the District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 790. Pub. L. 93-198 D.C. Code §1-227(a); Commissioner's Order 71-255, dated July 27, 1971, as amended by Commissioner's Order 72-96, dated April 19, 1972; Reorganization Plan No. 4 of 1983, 30 DCR 6428, effective March 2, 1984; Mayor's Order 84-55; the Solid Waste Disposal Act of 1989, D.C. Law 8-16, effective July 25, 1989; Mayor's Order 90-47, dated March 12, 1990; D.C. Law 11-94, the Solid Waste Facility Permit Act of 1995, effective February 22, 1996; Mayor's Order 96-51, dated April 12, 1996.

SOURCE: Regulation No. 71-21 approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:601(a),(b), §§8-3:603(a), (b), §8-3:607(i), and §8-3:612; as amended by §2(b)(1) of Solid Waste Control Act of 1977, D.C. Law 2-69, 24 DCR 6800 (February 17, 1978; by Final Rulemaking published at 31 DCR 1288 (March 16, 1984); by §3(c) of the Litter Control Administration Act of 1985, D.C. Law 6-100, 33 DCR 781 (February 7, 1986); by §2(b) of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 5326 (August 14, 1987); and by Final Rulemaking published at 36 DCR 1099 (February 3, 1989); by §31 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, 38 DCR 314, 326 (January 11, 1991); and by §2(d) of the Litter Control Fine Increase Amendment Act of 1995, D.C. Law 11-13, 42 DCR 1268, 1280 (March 17, 1995).

701 HANDBILLS, LEAFLETS, AND FLYERS

- 701.1 In conformance with §700.4, the person or persons responsible for the distribution of commercial handbills, leaflets, flyers or any other advertising or informational material shall be responsible for assuring that these items are either distributed directly to persons or attached to doorknobs at private residences or places of business.
- 701.2 The provisions of this section shall not apply to persons who have received a permit from the Director of the Department of Consumer and Regulatory Review.
- 701.3 Persons distributing the material listed in §701.1 shall take all reasonable measures which may be necessary to prevent those materials from littering streets, sidewalks, or any other public space.

SOURCE: Section §2(b)(1) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 25 DCR 6800 (February 17, 1978), 8 DCRR §8-3:603(b).

EDITOR'S NOTE: Prior to February 17, 1978, the District of Columbia Council published Regulation No. 71-21 at 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:603(b).

702 REMOVAL OF REFUSE FROM PUBLIC SPACE ADJACENT TO PRIVATE PROPERTY

- 702.1 Except as provided in §702.2, each owner, tenant, or lessee (or the agent of that person) who has control of or occupies any building, lot, or land within the District shall maintain in clean condition the public space from the property line

of that building, lot, or land and extending eighteen inches (18 in.) from the curb line (or the lateral lines of the roadway) into the abutting roadway.

702.2 Each owner, tenant, or lessee (or the agent of that person) who has control of or occupies any building that contains three (3) or fewer dwelling units within the District shall maintain in clean condition the public space between the curb line (or lateral lines of the roadway) and the property line of that building.

702.3 Construction and demolition wastes and material shall not be collected by District collection services.

SOURCE: Section 2(b)(1)(c)(3) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 25 DCR 6800 (February 17, 1978), 8 DCRR §8-3:603(k); as amended by §3(d) of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 5326 (August 14, 1987).

703 COLLECTION OF LEAVES

703.1 Leaves shall be collected by the District on an announced schedule during the period of October through December.

703.2 Occupants of premises where leaves accumulate shall place their leaves in containers approved by the Mayor at their regular solid waste collection point prior to the announced dates for leaf collection.

703.3 Leaves from private property shall not be piled loose on public space or permitted to obstruct any thoroughfare, sidewalk, drain or gutter.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:605(a); as amended by §2(a) of the Solid Waste Regulations Amendments Act of 1983, D.C. Law 5-20, 30 DCR 3331 (July 8, 1983).

704 FOOD WASTE DISPOSAL

704.1 The collection and transporting of food waste (garbage) for animal feeding purposes is prohibited.

704.2 Unless food waste (garbage) is disposed of by grinding and flushing to the sanitary sewerage system, it shall be drained, wrapped, and stored for collection with rubbish.

704.3 Each food establishment served by a sanitary sewer and conducting activities any of which generate food wastes (garbage) shall have and use one or more food waste (garbage) grinders which are conveniently located to each such activity and which are adequate in capacity to dispose of all readily grindable food wastes (garbage) produced.

704.4 Each kitchen sink that is newly installed in any dwelling unit, or which is replaced or substantially repaired such that a plumbing permit is required, shall be provided with a food waste (garbage) grinder by the owner or licensee.

704.5 Food waste (garbage) grinders shall be maintained in good repair and operating condition by the owner or licensee.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:603(h) and 8-3:607(e); as amended by Regulation 73-26, approved December 14, 1973, 20 DCR 545 (January 21, 1974); and by §2(a) of the Solid Waste Control Amendments Act of 1977, D.C. Law 2-69, §8-3:604(h), 24 DCR 6800, 6802 (February 17, 1978).

705 COLLECTION OF SOLID WASTES

705.1 Each premises or part of a premises where solid wastes are generated and where those wastes are not collected by the District shall be served by a licensed collector.

705.2 Solid wastes shall be collected as follows:

- (a) At least twice per week unless fewer collections are approved by the Mayor; and
- (b) Once per week for premises on Supercan routes.

705.3 Collectors shall not permit spillage from solid waste containers or collection vehicles or otherwise contribute debris at the point or area of collection.

705.4 The collection of wrapped food waste (garbage) or a combination of wrapped food waste with rubbish, in vehicles other than enclosed collection vehicles is prohibited, with the following exceptions:

- (a) Open bodied collection vehicles licensed by the District of Columbia as of February 29, 1980, to collect refuse so long as the vehicles are securely covered with a heavy duty canvas or its equivalent, while the waste is being transported;
- (b) The collection of rubbish, bulky waste, construction, and demolition wastes in open body collection vehicles, so long as the vehicles are securely covered with a heavy duty canvas or its equivalent while the waste is being transported;
- (c) The transport of enclosed containers of compacted and non-compacted rubbish and construction and demolition wastes in collection vehicles specifically designed or adapted for those purposes, so long as the containers have a minimum capacity of six cubic yards (6 yds.³) with all openings securely closed while the waste is being transported; and
- (d) The transport of open-top containers of non-compacted construction and demolition wastes in collection vehicles specifically designed or adapted for those purposes, so long as the open-top containers have a minimum capacity of three cubic yards (3 yds.³) and are securely covered with heavy canvas or its equivalent while the waste is being transported.

705.5 Residents of properties where solid wastes are collected by the District, excluding bulky wastes handled by special collection shall do the following:

- (a) Place the solid waste in legal containers, in a manner so as to prevent litter, at the point of collection no earlier than 6:30 p.m., on the day prior to the collection day; and
- (b) Return to private property by 8:00 p.m., of the collection day all empty solid waste containers including Supercans.

705.6 Household hazardous wastes shall not be included with solid wastes.

705.7 Bundles of refuse to be collected which are not placed in containers (when permissible under this chapter) shall be tied and shall not exceed four feet (4 ft.) in length.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:603(d),(i), and (j) 8-3:604(a)-(c), and 8-3:604(g)(1)(2),(3); as amended by §2(c) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 24 DCR 6800 (February 17, 1978), §8-3:604(g)(1),(2),(3); by §2(b), (1-4) of the Solid Waste Regulations Amendment Act of 1980, D.C. Law 3-69, 27 DCR 1553 (April 18, 1980); by §2(b) of the Solid Waste Regulations Amendments Act of 1983, D.C. Law 5-20, 30 DCR 3331 (July 8, 1983; by §3(b), (c) of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 5326 (August 14, 1987).

706 SPECIAL COLLECTIONS

706.1 Persons occupying premises where solid waste collection service is provided by the District shall set out bulky wastes for collection in accordance with the schedule published by the Mayor, and place the bulky wastes at the point of collection no later than 7:00 a.m. on the Monday of the scheduled bulk collection week and no earlier than 6:30 p.m. on the Friday prior to the scheduled bulk collection week.

706.2 The safety precautions of Title 24 DCMR apply to all discarded refrigerators, iceboxes, freezer boxes, and other boxes or containers having a capacity of one and one-half cubic feet (1½ ft.³) or more.

706.3 All dead animals, and gross quantities of decayed fish, meat or vegetable products shall be collected in covered vehicles specifically approved for that purpose.

706.4 It shall be unlawful for any person to interfere in any manner with the collection and disposal of the materials listed in §706.3 by the District or a licensed collector.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:605(b) and (c); as amended by §3(f) of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 6828 (August 14, 1987).

707 SOLID WASTE CONTAINERS

707.1 After July 1, 1978, all containers sold, offered for sale or used in the District for the on-site storage and collection of solid wastes shall be of a design and manufacture approved by the Mayor in accordance with standards adopted by the National Sanitation Foundation of Ann Arbor, Michigan, or its equivalent.

- 707.2 All containers covered by this section shall have displayed on the container in a conspicuous location the appropriate symbol of compliance established by the Mayor.
- 707.3 If containers are used for the storage of rubbish, or a combination of rubbish and food waste (garbage), a sufficient number shall be provided to store such solid wastes which may accumulate on the premises during the usual interval between collections.
- 707.4 Containers shall be kept clean and in good repair.
- 707.5 Ashes shall be stored in metal containers. When stored in the open, the metal containers shall be covered.
- 707.6 In addition to the applicable requirements of this section, the provisions of §708 shall apply to containers for solid wastes to be used by District residents entitled to residential municipal refuse collection.
- 707.7 Carry containers used for collection service shall be of a design and material approved by the Mayor.
- 707.8 At no time shall lightweight plastic bags that are designed to be used exclusively as liners be used solely for the storage of solid waste.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:603(c), (e)-(g) and 8-3:604(c); as amended by Final Rulemaking (DES Order No. 90-94-01 (Rev.)) published at 18 DCR 869 (June 26, 1972) Supp. No. 1; by §2(c) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 24 DCR 6800 (February 17, 1978); and by §3(b) of the D.C. Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750 (July 7, 1989).

708 CONTAINERS FOR RESIDENTIAL MUNICIPAL REFUSE COLLECTION

- 708.1 In addition to the other applicable provisions of this chapter, all containers used by residents for municipal refuse collection shall conform to the requirements of this section.
- 708.2 The Public Space Maintenance Administration of the Department of Public Works shall properly inform residents of the District whether their authorized point of collection is in the front of or the rear of their properties. If collection is from an alley, the point of collection shall be on private property immediately adjacent to public space, except that when Supercans are collected from the alley, the point of collection shall be on public space immediately adjacent to the private property line. If collection is not from an alley, the point of collection shall be on public space immediately to the premises.
- 708.3 Environmental technicians shall report all instances where solid waste is not placed at the appropriately designated collection point in one of the types of containers, or combination of containers, indicated in this section.
- 708.4 Each container or receptacle shall be of light to medium weight galvanized metal, or medium to heavy weight plastic or fiberglass.

- 708.5 Each container shall be watertight, shall be equipped with handles, and shall be provided with a tight-fitting cover.
- 708.6 Each container shall be constructed so that the contents can be easily removed.
- 708.7 Containers and receptacles shall have a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons.
- 708.8 Containers and receptacles to be handled manually shall not exceed sixty pounds (60 lbs.) in weight when filled.
- 708.9 When stored in the open, metal or fiberglass containers or receptacles must be kept securely fastened at all times.
- 708.10 At no time shall lightweight plastic bags which are intended to be used solely as liners be used alone for the storage of solid wastes.
- 708.11 Containers to be used at authorized points of collection shall meet the following criteria:
- (a) Light to medium weight galvanized metal, twenty (20) to thirty-two (32) gallon capacity, tight-fitting cover; or
 - (b) Medium to heavy weight plastic or fiberglass, twenty (20) to thirty-two (32) gallon capacity, tight-fitting cover;
 - (c) Heavy duty plastic bags, two (2) to three (3) mil strength; twenty (20) to thirty-two (32) gallon capacity, securely tied; or
 - (d) Supercans owned and issued by (and registered to) the District; Provided, that a supercan shall not be filled to exceed two hundred fifty pounds (250 lbs.) in weight.

SOURCE: Final Rulemaking (DES Order No. 90-94-01 (Rev.)) published at 18 DCR 869 (June 26, 1972), Supp. No. 1; and by §4 of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 38 DCR 5326 (August 14, 1987).

709 COLLECTION VEHICLES

- 709.1 Collection vehicles shall be properly maintained and cleaned.
- 709.2 Collection vehicles shall be constructed and operated to prevent spillage.
- 709.3 Each collection vehicle shall be equipped with a dumping mechanism.
- 709.4 Each collection vehicle shall be registered with the Mayor in accordance with D.C. Code §40-101 (1990 Repl. Vol.). Any owner of a collection vehicle who can provide proof that the vehicle is registered in another state and that an excise tax for the issuance of a certificate of title has already been paid in another state, is exempt until September 30, 1980, from the provisions of §6(j) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (63 Stat. 128; D.C. Code §40-603(j) (1990 Repl. Vol.).

- 709.5 Each vehicle licensed under this chapter shall have the name and telephone number of the licensee, and the vehicle tare weight printed legibly in letters and figures at least four inches (4 in.) in height on each side of the vehicle.
- 709.6 Each licensee shall provide off street parking or storage for each collection vehicle and suitable facilities for cleansing the vehicle.
- 709.7 Collection vehicles shall be operated in a manner that does not create a nuisance.
- 709.8 Collection vehicles shall not be parked in front of any premises, other than the premises occupied by the owner of the vehicle, for more than thirty (30) minutes beyond the time they are actually servicing that premises.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:604(e) and (f), 8-3:606(c) and (h); as amended by §2(c)(2) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 24 DCR 6800 (February 17, 1978); and by §2(a) of the Solid Waste Regulations Amendment Act of 1980, D.C. Law 3-69, 27 DCR 1553 (April 18, 1980).

710 LICENSING REQUIREMENTS

- 710.1 Except as provided in §710.2, no person shall engage in commercial collection and transportation of solid wastes by vehicle, in or through the District, without first having obtained a collector's license and a collection vehicle license for each vehicle so used.
- 710.2 Any non-profit religious, hospital, charitable, educational (where providing a student/teacher relationship), or scientific organization shall be exempt from the requirement of having a collector's license when engaged in the collection and transportation of solid waste generated exclusively by that organization, and shall be further exempt from the requirement contained in §705.1.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:606(a); as amended by Regulation No. 72-15, approved July 28, 1972; and by §2(d) of the Solid Waste Control Act of 1977, D.C. Law 2-69, §8-3:606(a), 24 DCR 6800, 6804 (February 17, 1978).

711 APPLICATION FOR LICENSE

- 711.1 Applications for solid waste collector's and collection vehicle licenses shall be submitted on approved forms to the Director.
- 711.2 The fees for solid waste collector's and collection vehicle licenses shall be submitted with the applications to the Director.
- 711.3 Each application shall include the following:
 - (a) The name of the person to be licensed;
 - (b) If the applicant is other than an individual, the name and title of the applicant; and

- (c) The address and telephone number of the location to which the license will apply.

711.4 Each application shall also contain the following information concerning each vehicle to be licensed:

- (a) Type, make, and year of manufacture;
- (b) Tare weight in pounds;
- (c) Capacity in cubic yards;
- (d) Jurisdiction of registration; and
- (e) Motor vehicle license number.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971); 8 DCRR §§8-3:606(b) and (e).

712 ISSUANCE OF LICENSES

712.1 No collection vehicle license may be issued until the vehicle sought to be licensed has been inspected by the Mayor and found to comply with the requirements prescribed in §§709.1 through 709.4 and all fees assessed against the licensee in accordance with this chapter have been paid in full.

712.2 Licenses shall date from the first (1st) Monday in March of each year and expire on the Saturday preceding the first (1st) Monday in March of the following year, but may be prorated in accordance with the provisions of paragraph 5 of §7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 *Stat.* 623; D.C. Code §47-2805 (1990 Repl. Vol.)).

712.3 The Director shall provide two (2) metal tags with each collection vehicle license issued indicating the collection vehicle license number.

712.4 The metal tags provided with the license shall be affixed to each side of the body of the respective collection vehicle in such manner as to be clearly visible at all times.

712.5 During the period of the validity of each license, the licensee shall notify the Director of any change in the information shown on the application within ten (10) days of the change.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:606(e)-(g); as amended by §501 of the Revenue Act for Fiscal Year 1978, D.C. Law 1-124 (23 DCR 6336 (February 18, 1977)); by Regulation No. 72-15, approved July 28, 1972; by §§2(d) and (e) of the Solid Waste Control Act of 1977, D.C. law 2-69, §8-3:606(d), 24 DCR 6800, 6805 (February 17, 1978); and by §2 of the D.C. Solid Waste Disposal Act of 1989, D.C. Law 8-16, 36 DCR 4155 (June 9, 1989).

713 SOLID WASTE REDUCTION AND DISPOSAL

- 713.1 Solid wastes generated outside the District shall not be delivered to any of the disposal facilities operated by the District unless prior arrangements for acceptance have been made with the Director.
- 713.2 Disposal within the District may only be at approved facilities.
- 713.3 The Mayor may require any licensee or other person desiring to use a District owned, operated, or contracted disposal area to use a disposal area of the Mayor's designation.
- 713.4 Open burning is prohibited by the Air Quality Control and Fuel Burning Equipment regulations.
- 713.5 Construction and operation of incinerators shall comply with the applicable provisions of the Air Quality Control and Fuel Burning Equipment regulations of the District of Columbia.
- 713.6 [Repealed] D.C. Law 11-94, 42 DCR 7172, 7178, effective January 22, 1996.
- 713.7 All incinerators installed or which commence operation after the effective date of this section (August 28, 1971) shall be equipped with gas cleaning devices, if necessary to meet the following standards:
- (a) Incinerators with a rated refuse burning capacity of two hundred or more pounds per hour (200 plus lbs./hr.), shall not emit more than one hundredth (0.01) grain of particulate matter per standard dry cubic foot of exhaust gas corrected to twelve percent (12%) carbon dioxide, without the contribution of auxiliary fuel;
 - (b) All other incinerators shall not emit more than three hundredths (0.03) grain of particulate matter per standard dry cubic foot of exhaust gas corrected to twelve percent (12%) carbon dioxide, without the contribution of auxiliary fuel.
- 713.8 [Repealed] D.C. Law 11-94, 42 DCR 7172, 7178, effective January 22, 1996.
- 713.9 [Repealed] D.C. Law 11-94, 42 DCR 7172, 7178, effective January 22, 1996.
- 713.10 [Repealed] D.C. Law 11-94, 42 DCR 7172, 7178, effective January 22, 1996.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:607(a), (f)-(h) and (j), and §8-3:609(a); as amended by Regulation No. 72-15, approved July 28, 1972; and by §15 of the Solid Waste Facility Permit Act of 1995, D.C. Law 11-94, 42 DCR 7172, 7178 (December 29, 1995), effective January 22, 1996.

714 DISPOSAL AT DISTRICT INCINERATORS

- 714.1 It shall be unlawful for any person using a District incinerator to dispose of solid wastes which do not conform to the requirements of this section.
- 714.2 Solid wastes shall be readily combustible.
- 714.3 Solid wastes shall not contain hazardous wastes, except as approved.
- 714.4 Solid wastes shall not contain heavy timbers, logs, stumps, or large quantities of ashes, dirt, or rubble.
- 714.5 Solid wastes shall not contain large quantities of rubbish with a high moisture content.
- 714.6 Bulky combustible materials shall not exceed three feet (3 ft.) in length or two feet by two feet (2 ft.x 2 ft.) in cross-section.
- 714.7 Brush and tree debris shall not exceed three feet (3 ft.) in length or four inches (4 in.) in diameter.
- 714.8 Timbers shall not exceed three feet (3 ft.) in length, or four inches by four inches (4 in. x 4 in.), or two inches by twelve inches (2 in. x 12 in.) in cross-section.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:608(a); as amended by §2(f) of the Solid Waste Control Act of 1977, D.C. Law 2-69, §8-3:608(a), 24 DCR 6800, 6805 (February 17, 1978).

715 SUSPENSION OF ACCESS TO DISPOSAL FACILITIES

- 715.1 Solid wastes generated outside the District shall not be delivered to any of the disposal facilities operated by the District unless prior arrangements for acceptance have been made with the Director.
- 715.2 If any licensee or the licensee's agent violates the provisions of this chapter, any or all vehicles operated by that licensee may be denied access to any or all District disposal facilities for a period not to exceed thirty (30) days for each violation.
- 715.3 Prior to denial of access, the licensee may request and shall be afforded an administrative hearing by the Director or the Director's duly authorized agent on the proposed denial.
- 715.4 Nothing in this section shall prevent a licensee from being prosecuted for violation of the regulations in this chapter.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §§8-3:609(a) and (b).

716 INSPECTIONS

- 716.1 The Director is authorized to inspect any solid waste storage, containers, collection systems, collection vehicles, collection vehicle storage and cleansing facilities, disposal and reduction facilities, and disposal sites, as may be necessary to determine that the intent and purposes of this chapter are being met.
- 716.2 Each premises or part of a premises served by a licensed collector shall maintain evidence including the name and address of the licensee providing the services.
- 716.3 Evidence of collection service shall be available during all reasonable hours for inspection by the Director.
- 716.4 Identification of all containers serviced by a licensee by inscribing the name and telephone number of the licensee on each container shall be deemed adequate for compliance with this section.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971); 8 DCRR §§8-3:609(a) and (b).

717 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

- 717.1 Failure to permit the inspections required by this chapter shall be grounds for denial of an application for a solid waste collector's license.
- 717.2 Continued or repeated failure to comply with any of the provisions of this chapter shall be grounds for suspension or revocation of a solid waste collector's license.
- 717.3 A licensee shall be given an opportunity to answer and be heard by the Director upon charges against the licensee.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971); 8 DCRR §§8-3:611(a) and (b).

718 VARIANCES

- 718.1 Any person engaged in solid waste storage, collection, or disposal activities at the time of the promulgation of this section shall be excused by the Director from the performance of any act required by the provisions of this chapter, either in whole or in part, upon a finding by the Director that the full performance of the act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability of bringing the activities into full compliance with the requirements of this chapter.
- 718.2 A variance shall be allowed only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent the variance can be granted without impairing the intent and purpose of this chapter.

- 718.3 A record, open to inspection by the public, shall be maintained, in the appropriate department, of each and every variance allowed under the terms of this section.
- 718.4 No variance shall be granted by the Director under this section for the operation of the facility known as Incinerator #5, or for any other District owned or operated or contracted facility.
- 718.5 Each request for a variance shall be published in the at least thirty (30) days before the Director shall consider the request on its merits.
- 718.6 The notice published in the *D.C. Register* shall contain a brief statement describing the variance sought and the reason the variance is necessary.
- 718.7 Opportunity for public comment within thirty (30) days of publication of the notice shall be granted.
- 718.8 The Director shall maintain a public record of all variances granted, and the record shall state the bases on which each variance was granted.
- 718.9 No variance shall be granted for the reasons other than those stated in the record.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971); 8 DCRR §§8-3:614(a), (b), and (c).

719 SOLID WASTE DISPOSAL FEE-SETTING FORMULAS

- 719.1 The provisions of this section shall apply to the disposal of each ton of solid waste at the waste-handling facilities.
- 719.2 The Mayor shall establish fee-setting formulas to govern the imposition of solid waste disposal fees. The Mayor may modify the fee-setting formulas on an annual basis.
- 719.3 The solid waste disposal fee-setting formulas shall be based upon the District government's expenses for solid waste disposal operations during the prior fiscal year. The Mayor shall take into account the costs of operating the disposal facilities, including the following:
- (a) Maintenance and administrative costs;
 - (b) Engineering services;
 - (c) Debt retirement or debt reserves;
 - (d) Anticipated landfill replacement costs;
 - (e) Incinerator repairs; and
 - (f) Other expenses attributable to operating the District government's solid waste disposal facilities.

719.4 The solid waste disposal fee-setting formulas may take into account the cost differences that arise from the types of waste disposed, the method of disposal, and the site of disposal. The solid waste disposal fee-setting formulas may be derived by averaging total system costs, prorating the costs of disposal at a specific facility, or prorating the cost of disposal for a specific type of waste, whichever, is determined to be most cost effective by the Mayor.

719.5 The Mayor shall impose a surcharge to be included in the solid waste disposal fee for the purpose of offsetting the cost of implementing and operating the Mayor's solid waste reduction and multi-material recycling program. The amount of the surcharge shall be included in the solid waste disposal fee-setting formulas.

719.6 The following fee-setting formula is established for the disposal of each ton of infectious waste:

$$\text{Solid Waste Disposal Fee for Infectious Waste} = \text{Solid Waste Disposal Fee} + \text{Special Handling Costs} + \text{Recycling Surcharge}$$

719.7 The following fee-setting formula is established for the disposal of each ton of vehicle tires:

$$\text{Solid Waste Disposal Fee for Vehicle Tires} = \text{I-95 Complex Fee} + \text{Recycling Surcharge}$$

719.8 The following fee-setting formula is established for the disposal of each ton of the various recyclable commodities included in the District's solid waste reduction and multi-material recycling program:

$$\text{Solid Waste Disposal Fee for Recyclable Commodities} = \text{Recycling Surcharge}$$

719.9 The following fee-setting formula is established for the disposal of each ton of solid waste, excluding those wastes specified in §§719.6, 719.7 and 719.8:

$$\text{Solid Waste Disposal Fee} = [\text{Estimated Material Processing Costs} \div \text{Projected Tonnage}] + \text{Recycling Surcharge}$$

SOURCE: Final Rulemaking published at 37 DCR 4238, 4239 (June 29, 1990).

720 FEES

720.1 The fees for licensing shall be determined by the Mayor.

720.2 Each business and each vehicle shall be separately licensed.

720.3 The Mayor shall determine the fee to be paid to deposit each ton of solid waste at a waste-handling facility.

720.4 The fee shall be paid by each licensed solid waste collector and other solid waste disposers unless, upon written application, the Mayor waives the fee of a solid waste disposer.

- 720.5 The applicable fees for the disposal of infectious waste at the waste-handling facilities shall be ninety-six dollars and four cents (\$96.04) for each ton disposed; Provided, that a minimum fee of twenty-four dollars and one cent (\$24.01) shall be imposed on each load weighing five hundred pounds (500 lbs.) or less.
- 720.6 The applicable fees for the disposal of vehicle tires at the waste-handling facilities shall be one hundred six dollars and fifty-nine cents (\$106.59) for each ton disposed; Provided, that a fee of twenty-six dollars and sixty-four cents (\$26.64) shall be imposed on each load weighing five hundred pounds (500 lbs.) or less.
- 720.7 The applicable fees for the disposal of commodities included in the District's solid waste reduction and recycling program at the waste-handling facilities shall be thirty-one dollars and fifty-nine cents (\$31.59) for each ton disposed; Provided, that a minimum fee of seven dollars and eighty-nine cents (\$7.89) shall be imposed on each load weighing five hundred pounds (500 lbs.) or less.
- 720.8 The applicable fees for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in §§720.5, 720.6, and 720.7 shall be sixty-four dollars and thirty-nine cents (\$64.39) for each ton disposed; Provided, that a minimum fee of sixteen dollars and nine cents (\$16.09) shall be imposed on each load weighing five hundred pounds (500 lbs.) or less.
- 720.9 The waste reduction and recycling surcharge shall be thirty-one dollars and fifty-nine cents (\$31.59) for each ton of solid waste disposed of at the waste-handling facilities.
- 720.10 The fees specified in §§720.5 to 720.9 shall become effective on September 1, 1992, except that they shall not take effect with respect to solid waste generated by the District government and collected under the current solid waste hauling contract until renegotiated contracts, reflecting the new solid waste disposal fee schedule, take effect.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:606(e); as amended by §501 of the Revenue Act for Fiscal Year 1978, D.C. Law 1-124, 23 DCR 6336, 6376 (February 18, 1977); by §2(h) of the District of Columbia Solid Waste Disposal Fee Act of 1982, D.C. Law 4-135, 29 DCR 2751 (July 2, 1982); by §2 of the District of Columbia Solid Waste Disposal Act of 1989, D.C. Law 8-16, 36 DCR 4155 (June 9, 1989); by Final Rulemaking published at 37 DCR 4238, 4240 (June 29, 1990); and by Final Rulemaking published at 39 DCR 6346 (August 28, 1992).

721 PENALTIES

- 721.1 A solid waste collector who disposes of solid waste at a disposal facility owned by, operated by, or under contract with the District shall pay its disposal fees in advance by certified check or by establishing an escrow account with a financial institution for monthly drawdowns by the District to pay for the collector's solid waste disposal fees. The escrow account shall maintain a balance equivalent to sixty (60) days of estimated disposal fees. Estimated disposal fees shall be based on the average of the solid waste collector's disposal cost from the preceding six (6) month period. If the disposal cost information for the preceding six (6) month period is not available, the Mayor shall reasonably determine the balance to be maintained in the escrow account. All escrow accounts shall be reconciled within five (5) business days. If the escrow account is not reconciled within five (5)

business days, the Mayor shall impose a five percent (5%) penalty based on the amount due in the escrow account.

721.2 Any solid waste collector who disposes solid waste at a disposal facility owned by, operated by, or under contract with the district, as of December 21, 1994, who is not delinquent in payment of its solid waste disposal fee shall be exempt from the requirement of payment of the solid waste disposal fee in advance; Provided, that the solid waste collector does not become delinquent in payment after December 21, 1994. For the purposes of this section, the term "delinquent" means nonpayment of the solid waste disposal fee within thirty (30) days of receipt of bill from the District.

721.3 The Mayor may impose a fine of up to five hundred dollars (\$500) against any solid waste collector who delivers any materials, required to be recycled pursuant to District law or regulation, for disposal at any waste-handling facility as defined in §799.

SOURCE: Final Rulemaking published at 37 DCR 4238, 4241 (June 29, 1990); as amended §116 of the Omnibus Budget Support act of 1995, D.C Law 11-52, 42 DCR 3684, 3697 (July 21, 1995).

722 - 729 [RESERVED]

730 SOLID WASTE FACILITY APPLICATION REQUIREMENTS

730.1 Applications for solid waste facility permits shall be completed and signed by the operator of the proposed or existing solid waste facility, and shall be submitted to the Department of Consumer and Regulatory Affairs on the form provided by the Department.

730.2 If a solid waste facility is owned by a person other than the operator, the owner shall also sign the application.

730.3 In order to be considered complete, an application for a solid waste facility permit must include the following information and documentation:

- (a) The name, address, and telephone number of the owner of the solid waste facility;
- (b) The name, address and telephone number of the operator of the solid waste facility, if the facility is to be operated by a person other than the owner;
- (c) The name, address and telephone number of the registered agent of the operator of the solid waste facility, if the operator is a corporation or a limited partnership;
- (d) The name under which the solid waste facility will operate;

- (e) The location of the proposed or existing solid waste facility, including street address, zip code, ward, and lot and square numbers;
- (f) A description of the type of solid waste and recyclable materials to be deposited at the solid waste facility and whether each type of waste will be processed, transferred or disposed;
- (g) The maximum estimated quantity (measured in tons) of solid waste to be deposited at the solid waste facility on a daily and an annual basis;
- (h) A description of the methods used to measure and record the tonnage of solid waste coming into and leaving the facility;
- (i) The maximum estimated quantity (measured in tons) of solid waste to be removed from the solid waste facility on a daily and annual basis;
- (j) A description of the methods to be used to determine and record the State or States (including the District of Columbia) where:
 - (1) Solid waste and recyclable material deposited at the solid waste facility were generated;
 - (2) Solid waste removed from the solid waste facility is deposited for final disposal; and
 - (3) Recyclable material removed from the solid waste facility is delivered for recycling or re-use;
- (k) A description of the solid waste management and disposal practices to be used at the facility, including a description of any sorting, processing, separating, loading, unloading or other operations to be used in the disposal or partial disposal of solid waste at the solid waste facility;
- (l) A description of each of the types of vehicles which will deposit solid waste at the facility or remove solid waste from the facility, including the gross weight rating of the largest sized vehicle which will be depositing or removing solid waste;
- (m) A completed District of Columbia Government Environmental Impact Screening Form;
- (n) A copy of engineering plans and specifications for the proposed or existing solid waste facility which are signed by and bear the seal of a professional engineer licensed in the District of Columbia. The submitted plans and specifications shall include the following:
 - (1) A site plan designating the property boundaries and showing all existing and proposed structures, roads and parking areas;
 - (2) Drawings of buildings and other structures located on the site upon which the solid waste facility is situated, showing the type of

construction, and the layout and dimensions for the unloading, storage and processing areas;

- (3) Drawings showing the location and dimension of major equipment and facilities within each structure;
- (o) [Reserved]
- (p) A description of the methods which will be used to prevent, monitor, and control the presence of rodents and other disease vectors as well as vermin;
- (q) A description of the fire prevention measures and equipment to be used by the facility to comply with the applicable provisions of the *BOCA National Fire Prevention Code 1990* and the *D.C. Fire Prevention Code Supplement of 1992*. The description shall be accompanied by the engineering plans, drawings and specifications of the facility's fire prevention and fire alarm systems;
- (r) A description of the methods to be used to control odor, dust, smoke and other air pollutants and noise. The description shall be accompanied by the engineering plans, drawings and specifications of the facility's as follows:
 - (1) Ventilation system;
 - (2) Odor, smoke and air pollution abatement system; and
 - (3) Dust control system;
- (s) [Reserved]
- (t) A written emergency operational plan which provides for temporary alternative waste handling systems if the waste handling equipment is inoperative, including procedures for the use of stand-by equipment and the diversion of solid waste to other facilities;
- (u) An application for an Environmental Mitigation-Closure Performance Bond to be issued to the solid waste facility and running to the District of Columbia government in the amount of one million dollars (\$1,000,000) to become effective on the permit issuance date;
- (v) A copy of the insurance policy or policies issued to the solid waste facility providing coverage for injuries to persons or their property resulting or arising from any act, omission or default of the owner or operator of the facility, or their employees or agents, in the operation of the solid waste facility, with a minimum coverage of one million dollars (\$1,000,000) per occurrence;
- (w) The DUNS numbers for the owner and operator of the solid waste facility;

- (x) Certificates of good standing obtained from the Department of Consumer and Regulatory Affairs, if the owner and operator are corporations or limited partnerships;
- (y) A certification from the Office of Tax and Revenue establishing that the owner and operator are registered as businesses in the District, and are not delinquent in the payment of any District taxes or fees;
- (z) A certification from the Department of Public Works establishing that the owner and operator are not delinquent in the payment of any Department of Public Works fee, fine or surcharge;
- (aa) The tax identification numbers issued by the federal government to the owner and operator;
- (bb) Copies of all certificates of occupancy for the facility; and
- (cc) Payment of the application fee of ten thousand dollars (\$10,000) by certified check or money order made payable to the Treasurer of the District of Columbia.

730.4 Applicants and permit holders are under a continuing duty to supplement and update the information required by §730.3 within ten (10) working days of any change. This additional information shall be forwarded to the Director in writing.

730.5 The making of a false statement on the application, or any attachment to the application, or in response to any question or request for information made by the Director, is punishable by the criminal penalties set forth in §404(b) of the District of Columbia White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-2514(b)).

SOURCE: Final Rulemaking published at 43 DCR 6816 (December 20, 1996).

731 PROCEDURES FOR THE REVIEW OF APPLICATIONS FOR INITIAL SOLID WASTE FACILITY PERMITS AND THE ISSUANCE OF INTERIM OPERATING PERMITS

731.1 Upon receipt of an application for a solid waste facility permit, the Director shall review the application for completeness.

731.2 The Director shall return an incomplete solid waste facility permit application and shall identify the specific portions of the application which require completion and give a date certain (not less than ten (10) days) by which the application must be completed. If the applicant does not complete the application within the time provided, the application shall be deemed to be withdrawn by the applicant. The Director shall return the application fee, less a three hundred dollars (\$300) processing charge within ninety (90) days of the applicant's failure to complete the application.

- 731.3 If an application was submitted on behalf of an existing facility on or before June 30, 1995, and the application meets the requirements for completeness in effect on that date, the Director shall do the following:
- (a) Issue an interim operating permit to the facility; and
 - (b) Publish a notice in the *District of Columbia Register* which shall contain the information described in §§730.3 (a) through (g).
- 731.4 No person may operate a solid waste facility under the authority of an interim operating permit unless the facility is in compliance with applicable environmental, health, safety, and zoning laws, rules, and regulations and has obtained all required permits, licenses, and certificates.
- 731.5 If an application for a new facility meets the requirement for completeness, the Director shall publish a notice in the *District of Columbia Register* which shall contain the information described in §§730.3 (a) through (g).
- 731.6 Public comments concerning an application shall be submitted in writing to the Director within thirty (30) days following publication of the notice required by §§731.3 and 731.5.
- 731.7 Following the issuance of an interim operating permit, the Director shall inspect the facility.
- 731.8 The Director shall circulate the notice required by §§731.3(b) and 731.5 to the Fire and Emergency Medical Services, the Department of Public Works, the Office of Tax and Revenue, the Zoning Commission, the Department of Public Health, and to any other District agency as the Director believes is necessary, along with a request that the recipients inform the Director within forty-five (45) days whether the proposed or existing solid waste facility is in compliance with applicable environmental, health, safety, and zoning laws, rules, and regulations.
- 731.9 The Director shall send a copy of the notice provided for in §§731.3(b) and 731.5 to the Advisory Neighborhood Commission whose area would be affected by the approval or denial of the application.
- 731.10 To be considered, the comments of the affected Advisory Neighborhood Commission shall be received by the Director thirty (30) days from the date the notice was sent.
- 731.11 The Director may hold a public meeting to receive comments from the local community concerning the application, and the terms and conditions under which the facility should operate if the application is granted. If requested by the Director, a representative of the applicant shall do the following:
- (a) Attend the public meeting;
 - (b) Make an oral presentation; and
 - (c) Respond to questions.

- 731.12 If, upon review of an application, or of comments made by the public, a District agency, or the affected Advisory Neighborhood Commission, the Director determines that additional information is necessary in order to determine whether the application should be granted, the Director shall inform the applicant, in writing, of the information required, and shall specify the time within which the information must be submitted.
- 731.13 Applicants shall be given a minimum of ten (10) working days to submit the additional information requested pursuant to §731.12.
- 731.14 Failure of the applicant to provide the additional information required by the Director within the time specified in §731.13 shall result in the denial of the application.
- 731.15 The Director shall not grant an application for a solid waste facility permit unless the applicant proves that an existing facility meets, or that a proposed facility will meet, the following requirements:
- (a) The construction and operation of the solid waste facility shall be in full compliance with all applicable environmental, health, safety, and zoning laws, rules, and regulations;
 - (b) The construction and operation of the solid waste facility shall not endanger human health, the public welfare, or the environment;
 - (c) A certificate of occupancy has been issued for the facility which plainly describes the use of the facility as a solid waste handling facility, or such other description as may be required by the Zoning Commission or the Board of Zoning Adjustment, except that the Director shall not deny an application of an existing facility solely on the basis that there is no certificate of occupancy which satisfies this requirement, if the applicant proves that it has submitted an application for a certificate of occupancy which would satisfy this requirement and the application is pending before the zoning authority. If the Board of Zoning Adjustment determines not to allow the use, the Director shall revoke the interim operating permit and deny the application for a solid waste facility permit;
 - (d) Areas where solid waste is or will be handled, deposited, placed, processed, or disposed, shall meet the following requirements:
 - (1) Be fully enclosed;
 - (2) Have impermeable floors;
 - (3) [Reserved]
 - (4) [Reserved]
 - (5) [Reserved]

- (6) Be equipped with a ventilation system which meets the following minimum requirements:
 - (A) The ventilation system must draw outside air through windows, doors, truck bays and other building openings and subsequently exhaust it through a vent on the roof of the facility;
 - (B) The ventilation system must operate at a ventilation rate, cubic feet of air per minute, to ensure that outside air is drawn through windows, doors, truck bays and other building openings and subsequently exhausted through a vent on the roof of the facility;
 - (C) The top of the ventilation vent must be at least six (6) feet above roof line or two feet (2 ft.) taller than any neighboring building within ten feet (10 ft.) of the solid waste facility; and
 - (D) Air moving through the ventilation system shall move through air or dust collectors and other equipment necessary to remove particulate matter and malodorous by-products;
 - (7) An existing facility applicant shall have ninety (90) days following the publication date of the Notice of Final Rulemaking for this section in the *D.C. Register* to meet the requirements of §§731.15(d)(3)-(6);
 - (e) The proposed solid waste facility shall be constructed, or an existing facility shall be modified, so as to prevent disease vectors from entering the building through the facility's foundation, roof, exterior walls, doors, or conduits;
 - (f) The insurance policies are valid and meet the requirements of §730.3(v); and
 - (g) An Environmental Mitigation - Closure Performance Bond has been issued to the solid waste facility pursuant to §730.3(u);
- 731.16 If the Director determines that the applicant has met all the requirements set forth in §731.15, the Director may issue a permit to the applicant.
- 731.17 If the Director determines that the application does not satisfy one or more of the requirements set forth in §731.15, the Director shall provide the applicant with a proposed written decision denying the application which states the grounds for the denial, including a specific description of the condition, deficiency, or violation of law which furnished the basis of the denial.
- 731.18 At any time during the ninety-day (90) period following the issuance of the proposed decision, the applicant, without waiving its appeal rights, may provide the Director with written proof that the condition, deficiency or violation of law which was the basis of the denial has been cured. In the alternative, an existing

facility may request the Director, in writing, to conduct a random inspection of the facility.

731.19 If the applicant has failed to submit the written proof or the written request for inspection referred to in §731.18 within the time prescribed by that subsection, or if the Director finds, following a review of the written submission or an inspection of the solid waste facility, that the condition, deficiency, or violation of law which furnished the basis of the denial has not been cured, the Director shall inform the applicant in writing that the denial of its application is final, advise the applicant of its right to a hearing under the Act, and shall refund ninety percent (90%) of the application fee.

731.20 If the Director determines that the condition, deficiency or violation of law which furnished the basis of the denial has been cured, the Director may grant the application.

731.21 An interim operating permit issued to an existing facility shall become invalid on the date on which the Director grants or denies the facility's application for a solid waste facility permit, unless it has been previously revoked pursuant to §738.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6820 (December 20, 1996); §3(b) of the Department of Public Health Establishment Act of 1992, D.C. Law 9-181, 39 DCR 8203 (November 13, 1992).

EDITOR'S NOTE: The Office of the Chief Financial Officer of the District of Columbia published a Notice of Interest, at 44 DCR 2345 (April 18, 1997) changing the name of the Department of Finance and Revenue to the Office of Tax and Revenue.

732 SOLID WASTE FACILITY PERMIT TERMS AND CONDITIONS

732.1 If the Director concludes that an application for a solid waste facility permit should be granted, the Director shall issue a solid waste facility permit which shall specify, as the Director determines, the following operating requirements:

- (a) The types of solid waste which can be delivered to the solid waste facility;
- (b) The solid waste processing and disposal procedures to be followed by the solid waste facility;
- (c) The annual and, if appropriate, daily, weekly or monthly tonnage limits of solid waste which may be delivered to the solid waste facility;
- (d) The solid waste facility's approved days and hours of operation. Except as provided in subparagraph (d)(4) of this subsection, or as may be modified by the Zoning Commission or the Board of Zoning Adjustment, the days and hours of operation in accordance with subparagraphs (d)(1) through (d)(3) as follows:
 - (1) Solid waste facilities located within three hundred feet (300 ft.) of a residential property line shall be precluded from operating between the hours of 7:00 p.m. and 6:00 a.m. Monday through Saturday;

- (2) Solid waste facilities located more than three hundred feet (300 ft.) of a residential property line shall be precluded from operating between the hours of 10:00 p.m. and 6:00 a.m. Monday through Saturday;
- (3) Solid waste facilities shall be precluded from operating on Sundays; and
- (4) Authorization of a solid waste facility to operate on a Sunday, or during hours otherwise prohibited by subparagraphs (d)(1) and (d)(2) may be granted by the Director if the expanded hours of operation do not exceed the limits set by the Zoning Commission or the Board of Zoning Adjustment and the applicant proves to the Director's satisfaction that the additional hours of operation will not adversely affect the reasonable enjoyment of life and property of persons residing within a one-quarter (1/4) mile radius of the facility;
- (e) Any additional insurance required beyond the minimum established by §730.3(v); and
- (f) Other terms and conditions as are necessary to safeguard human health, the public welfare, and the environment, and to assure compliance with the Act and all environmental, health, safety, and zoning laws, rules, and regulations.

732.2 Each interim operating permit and solid waste facility permit shall indicate that the terms and conditions of the permit include the obligation of the permittee to abide by all the laws, rules and regulations of the District of Columbia which are applicable to solid waste facilities.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6825 (December 20, 1996).

733 SOLID WASTE FACILITY OPERATING REQUIREMENTS

733.1 Solid waste facilities shall comply with the following operating requirements, each of which is incorporated by reference into every solid waste facility permit and interim operating permit:

- (a) The unenclosed areas of the facility shall be maintained free of solid waste and litter;
- (b) Scales approved by the Department sufficient to measure the gross weight of loaded vehicles, entering and exiting the facility (including rail cars where applicable) shall be used and maintained;
- (c) A sign displaying the facility's business name, telephone number, and hours of operation and the type of solid waste accepted at the facility shall be posted and maintained at the entrance to the facility and shall be visible from the street. The sign shall measure at least thirty inches by thirty inches (30 in. x 30 in.);

- (d) The facility shall be secured from unauthorized entry and the unauthorized removal or dumping of solid waste or other materials when attendants are not present;
- (e) Solid waste delivered to the facility shall only be deposited, placed, sorted, disposed or processed in an enclosed building with impermeable floors;
- (f) Storage containers used for the temporary storage of solid waste, shall be securely covered, nonabsorbent, and leak-proof and shall in all respects comply with the provisions of Chapter 8 of this title, the *BOCA Fire Prevention Code/1990* and the *D.C. Fire Prevention Code Supplement of 1992*, and shall be kept inside the enclosed areas of the facility;
- (g) Solid waste shall not be accepted, processed, transferred, or removed from the facility except during the approved hours of operations specified on the facility's permit.
- (h) All solid waste shall either be removed from the facility by the conclusion of the facility's approved hours of operations specified on the facility's permit or stored inside the facility in containers or cargo areas of vehicles; Provided, that the containers and cargo areas are leak-proof and fully enclosed on all sides by metal;
- (i) Areas where solid waste is handled, including floors and the portion of walls which come into contact with solid waste, and equipment used to handle solid waste, shall be cleaned, swept, washed and deodorized each day immediately following the conclusion of the facility's approved hours of operation specified on the facility's permit;
- (j) All business records pertinent to the operation of the facility shall be maintained at the facility and kept available for inspection;
- (k) Access to the facility, including all structures, equipment and records contained therein, shall be immediately granted during approved hours of operation to inspectors, investigators and officials of the Department of Consumer and Regulatory Affairs, the Department of Public Works, the Fire and Emergency Medical Services, the Department of Public Health, and other persons authorized to inspect solid waste facilities;
- (l) The facility shall implement effective dust control measures and minimize dust generation;
- (m) The facility shall not emit odor(s) beyond its property line which are injurious to the public health or welfare, or which interfere with the reasonable enjoyment of life and property;
- (n) Noise emissions from the facility shall be controlled to prevent health hazards and nuisance to the general public;
- (o) Waste of any kind shall not be incinerated at a solid waste handling facility;

- (p) The facility shall be kept free from rodent and other disease vector harborage;
- (q) The facility shall carry out rodent extermination and pest control operations sufficient to eradicate all rodent and disease vectors;
- (r) The solid waste facility shall be constructed and operated in compliance with the minimum permit requirements set forth in §731.15, unless stricter requirements are specified in the permit, in which case the latter shall govern, except that existing solid waste facilities shall have ninety (90) days from December 20, 1996, to comply with the requirements of §731.15(d)(6);
- (s) The solid waste facility shall operate and maintain a ventilation system in compliance with the minimum requirements set forth in §731.15(d)(6) or such additional requirements as the Director may provide for in the facility's permit;
- (t) If determined by the Director to be necessary, the facility shall station personnel at its entrance(s) and exit(s) to ensure that vehicles entering or leaving the solid waste facility do so in an orderly manner, without obstructing or causing damage to adjacent streets or alleys;
- (u) The facility shall not allow trucks or other vehicles depositing or picking up solid waste or any other material to back in from, back out onto, or queue on adjacent public streets or alleys; and
- (v) The facility shall not place any container, trailer, or other receptacle on any public space including streets and alleys.

733.2 Each operating requirement specified in this section shall be considered a material permit term and condition, a violation of which is sufficient cause for suspension or revocation of a solid waste facility permit or an interim operating permit.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6826 (December 20, 1996); as amended by §3(b) of the Department of Public Health Establishment Act of 1992, D.C. Law 9-181, 39 DCR 8203 (November 13, 1992).

734 PERMIT MODIFICATION

734.1 The Director may modify a solid waste facility permit at any time to mitigate adverse environmental or community impact, or upon the application of the owner or operator of a solid waste facility submitted in accordance with the Act.

734.2 If the Director modifies a permit, notice of the modification shall be served on the facility operator and owner. The modification shall not go into effect until fifteen (15) days after the notice has been personally served, or eighteen (18) days if served by first class mail.

734.3 If any person requests a hearing about a proposed modification in a timely manner, the permit modification shall not go into effect until a decision and order is issued by the Office of Adjudication. However, nothing contained herein shall

restrict the Director's authority to issue a cease and desist order which restricts or prohibits the operation of a facility.

- 734.4 The application fee for a permit modification requested by the facility shall be one thousand dollars (\$1,000).
- 734.5 An application for a modification of a solid waste facility permit shall be completed and signed by the operator of the solid waste facility, submitted to the Department of Consumer and Regulatory Affairs on the form provided by the Department, and shall include all of the information and documentation required by §730.3 which will change if the modification is granted.
- 734.6 If a solid waste facility is owned by a person other than the operator, the owner shall also sign the application.
- 734.7 Upon receipt of an application for modification of a solid waste facility permit, the Director shall follow the procedures set forth in §§731.1 through 731.5, and §§731.8 through 731.20.
- 734.8 The Director shall not grant an application for a modification of a solid waste facility permit unless the applicant certifies that it is presently in compliance with the terms and conditions of its permit, and the Director determines that the solid waste facility as modified continues to meet requirements of §731.15.
- 734.9 If an application for modification of a solid waste facility permit is denied, the Director shall notify the applicant of the decision in writing, state the grounds for the denial, and shall inform the applicant of its right to a hearing under the Act.
- 734.10 If the Director determines that an application for modification of a solid waste facility permit should be granted, the Director shall modify the permit to the extent the Director has determined is appropriate, and shall add any additional permit terms and conditions to safeguard human health, the public welfare, and the environment as are necessary due to the modification granted.
- 734.11 All permit terms and conditions not modified shall remain in effect.
- 734.12 Applicants for a modification of a solid waste facility permit have a continuing duty to supplement and update the information required by §734.5 within ten (10) working days of any change. Additional information shall be submitted to the Director in writing.
- 734.13 The provisions of §730.5 shall apply to applications for modification of solid waste facility permits.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6829 (December 20, 1996).

735 PERMIT RENEWAL

- 735.1 Applications for renewal of solid waste facility permits shall be completed and signed by the operator of the solid waste facility and submitted to the Department

of Consumer and Regulatory Affairs on the form provided by the Department at least sixty (60) days prior to the expiration date of the current permit.

- 735.2 If a solid waste facility is owned by a person other than the operator, the owner shall also sign the application.
- 735.3 An applicant for a renewed permit may request changes in the present permit terms which would otherwise require the submittal of an application for a modification of the solid waste permit.
- 735.4 Separate applications for permit modifications will not be accepted within ninety (90) days prior to the expiration date of the current permit.
- 735.5 An application for a modification of a solid waste facility permit which is pending at the time that a timely renewal application has been filed shall be considered to be part of the renewal application.
- 735.6 If the owner or operator of a solid waste facility fails to submit a renewal application at the time specified by §735.1, the solid waste facility shall cease operations at the expiration of the current permit and any pending application for modification of the solid waste facility permit shall be returned to the applicant as void.
- 735.7 A renewal application shall contain the information, documentation and fee payment required by §730.3.
- 735.8 Applicants for a renewed permit are under a continuing duty to supplement and update the information required by §735.7 within ten (10) working days of any change. This additional information shall be submitted to the Director in writing.
- 735.9 The provisions of §730.5 shall apply to applications for renewal of solid waste facility permits.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6831 (December 20, 1996).

736 REVIEW OF APPLICATIONS FOR RENEWED SOLID WASTE FACILITY PERMITS

- 736.1 Upon receipt of an application for renewal of a solid waste facility permit, the Director shall follow the procedures set forth in §§731.1 through 731.5, and §§731.8 through 731.20.
- 736.2 In addition to the requirements of §731.15, the Director shall not grant an application for renewal of a solid waste facility permit unless the applicant demonstrates that the solid waste facility is in compliance with the terms of its current permit.
- 736.3 If the Director determines that an application for renewal of a solid waste facility permit should be granted, the provisions of §§732 and 733 shall apply.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6832 (December 20, 1996).

737 REPORTING REQUIREMENTS

737.1 Owners and operators of solid waste facilities shall, for each facility owned or operated, submit a written report to the Department of Public Works on the tenth (10th) day every month. If the tenth (10th) day falls on a Saturday, Sunday or holiday, the report shall be due on the next business day following the tenth (10th) day. The report shall be on a form which may be obtained at the Department of Public Works, and shall contain the following information:

- (a) The solid waste facility's name, address and telephone number;
- (b) The name and title of the person completing the form;
- (c) With respect to all solid waste and recyclable material delivered to the solid waste facility between the first and last day of the preceding month:
 - (1) The total tonnage of solid waste and recyclable material generated in the District of Columbia delineated by waste and material type; and
 - (2) The total tonnage of solid waste and recyclable material generated outside the District of Columbia delineated by waste and material type;
- (d) With respect to all recyclable material transferred from the solid waste facility between the first and last day of the preceding month:
 - (1) The total tonnage of recyclable material transferred from the solid waste facility by material type; and
 - (2) Location, by facility name and address, where each type of material was reused or recycled;
- (e) As to all solid waste transferred from the solid waste facility between the first and last day of the preceding month:
 - (1) The total tonnage of solid waste transferred from the solid waste facility by waste type;
 - (2) Location, by facility name and address, where each type of waste was disposed; and
 - (3) The tonnage of the solid waste disposed within each State and facility identified in response to subparagraph (e)(2) of this subsection.

737.2 The monthly tonnage reports shall be submitted on forms provided by the Department of Public Works, be based upon actual daily scale records maintained by the solid waste facility operator, and shall include a certification of accuracy signed by the owner or operator of the solid waste facility.

- 737.3 The submission of an incomplete, misleading, or false monthly report shall be considered a failure to submit a report in violation of the Act.
- 737.4 The submission of a monthly report does not relieve a permittee from the obligation to update information on file with the Director as required by §§730.4, 734.12 and 735.8.
- 737.5 The solid waste facility operator shall retain a copy of all daily scale data at the facility for a minimum of three (3) years.
- 737.6 The provisions of §730.5 shall apply to written reports submitted pursuant to this section.
- 737.7 The facility shall pay the solid waste facility charge in conjunction with the submittal of its monthly report by a check or money order payable to the D.C. Treasurer.
- 737.8 Except as provided in §737.9, the facility shall pay a sum equal to the amount of solid waste deposited or delivered to the facility during the preceding month, as indicated in its monthly report, multiplied by four dollars (\$4) per ton.
- 737.9 A facility that exclusively receives and processes construction and demolition waste shall pay a sum equal to the amount of construction or demolition material deposited or placed at the facility during the preceding month, as indicated in its monthly report, multiplied by two dollars (\$2) per ton.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6832 (December 20, 1996).

738 [RESERVED]

739 CESSATION OF OPERATIONS

- 739.1 A solid waste facility shall immediately cease operation without additional notice if:
- (a) It is an existing solid waste facility operating under an interim operating permit which has been notified by the Director that its application for a solid waste facility permit has been denied;
 - (b) The Director revokes or suspends the facility's interim operating permit or solid waste facility permit;
 - (c) The facility does not have a solid waste facility permit or an interim operating permit; and
 - (d) The facility's solid waste permit has expired.

- 739.2 The owner or operator of a solid waste facility which voluntarily and permanently ceases operations shall notify the Director in writing five (5) days prior to the closing. Failure to notify the Director shall constitute abandonment of the facility.
- 739.3 The owner or operator of a solid waste facility which permanently ceases operations, whether voluntarily or involuntarily, shall remove all solid waste from the facility within twenty-four (24) hours following the closing. The facility shall also be thoroughly cleaned, including floors, walls, and all equipment used to handle solid waste.
- 739.4 In the event that the owner or operator of a solid waste facility fails to act in accordance with §739.3, the Director may issue a written notice directing compliance.
- 739.5 If the owner or operator fails to comply with the written notice issued pursuant to §739.4 within the time period stated in the notice, the Director may remove the solid waste from the facility, clean the facility, and take any other corrective actions as are necessary to safeguard human health, the public welfare, or the environment.
- 739.6 The Director may assess a penalty against the person or persons named in the written notice issued pursuant to §739.4 equal to triple the costs of undertaking the actions undertaken pursuant to §739.5. The costs and penalties may be recouped by the District from the facility's environmental mitigation bond, or by a lien against the real property and or equipment or any other method available under the law.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6834 (December 20, 1996).

740 [RESERVED]

741 SCHEDULE OF FINES FOR VIOLATIONS

- 741.1 The following schedule of fines is established for each violation of any provision of this chapter:
- (a) Accepting, processing, transferring or removing solid waste during hours not in accordance with the terms of its permit in violation of §733.1(g) \$5,000 per incident;
 - (b) Allowing vehicles to back in or back out of the facility onto an adjacent public street or alley in violation of §731.1(u) \$500 per incident;
 - (c) Allowing vehicles to queue for the facility on an adjacent public street or alley in violation of §731.1(u) \$2,500 per incident;
 - (d) Constructing a solid waste facility without a solid waste facility permit or in violation of §4(a) of the Act \$5,000 per day;

- (e) Failure to allow access to a person authorized to inspect the facility in violation of §733.1(k) \$5,000 per incident;
- (f) Failure to display a sign at the entrance to the solid waste facility in accordance with §733.1(c) \$500 per day;
- (g) Failure to either remove solid waste from the solid waste facility by the conclusion of the facility's approved hours of operation or store the waste inside the facility in containers or cargo areas of vehicles which are fully enclosed by metal on all sides in violation of §733.1(h) \$5,000 per incident;
- (h) Failing to maintain the unenclosed areas of the solid waste facility free of solid waste and litter in violation of §733.1(a) \$10,000 per incident;
- (i) Failing to maintain or use a scale approved by the Director in violation of §733.1(b) \$2,500 per incident;
- (j) Failure to properly secure the premises in violation of §733.1(d) . . \$5,000 per incident;
- (k) Failure to station personnel at the entrance(s) and exits of the facility to ensure that vehicles entering or leaving the solid waste facility do so in an orderly manner, without obstructing or causing damage to adjacent streets or alleys (if required by the Director) in violation of §733.1(t) . . . \$2,500 per incident;
- (l) Operating an open solid waste facility in violation of §3 of the Act \$25,000 per day;
- (m) Operating a solid waste facility after service of a cease and desist \$25,000 per day;
- (n) Operating a solid waste facility which emits odor, smoke or air pollutants into the air in violation of §733.1(m) \$2,500 per incident;
- (o) Operating a solid waste facility which is not free from rodent and other disease vector harborage in violation of §733.1(p) \$2,500 per day;
- (p) Operating a solid waste facility without a solid waste facility permit or an interim operating permit in violation of §4(a) of the Act \$25,000 per day;
- (q) Operating in violation of any material term or condition of a solid waste permit in violation of §4(a) of the Act, or operating in violation of the operating requirements of this section for which a fine has not been specifically described in the Act or in this section . . . \$2,500 per incident for each term or condition violated;

- (r) Placing any storage container(s), trailer(s), or other receptacle on public space in violation of §731.1(v) \$5,000 per incident; and
- (s) Substantial alteration of a solid waste facility without prior approval in violation of §4(c) or 4(d) of the Act \$5,000 per incident;

SOURCE: Final Rulemaking published at 43 DCR 6816, 6835 (December 20, 1996).

799 DEFINITIONS

799.1 When used in this chapter, the words and phrases shall have the meanings ascribed:

Approved - compliance with published standards specifically applicable to the device, method, thing, procedure, or facility under consideration and which standards have been approved by the Director or the Director's agent.

Abandoned Vehicle - a motor vehicle or a trailer left on public or private property for an extended period of time in an inoperable or hazardous condition and having only scrap value.

Ashes - the residue from the burning of wood, coal, coke, or other combustible materials.

Baler - a machine used to compress and bind a quantity of solid waste or other material.

Bulky Waste - the large items of solid waste such as appliances, furniture, large auto parts, trees and branches, stumps, flottage, and the like.

Carry Container - a container used to transfer solid wastes from premises to a collection vehicle.

Catch Basin - an enlarged and trapped inlet to a sewer designed to capture debris and heavy solids carried by storm or surface water.

Clean Condition - free of litter, debris, and weeds. (D.C. Law 8-31)

Collector - any person who is engaged in the collection or transportation of solid waste.

Combustible Rubbish - miscellaneous burnable materials.

Composting - a controlled microbial degradation of organic waste yielding a nuisance free product of potential value as a soil conditioner.

Construction and Demolition Wastes - the waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, pavements, and other structures.

Debt Reserves - the estimated cost of anticipated capital improvements and repairs to the District's solid waste disposal system including, but not limited to, landfill replacement costs, incinerator repairs, and the construction of any waste-handling facilities. (37 DCR 4242)

Debt Retirement - the sum of principal and interest estimated by the District to be paid in the current fiscal year for the purpose of reducing the long term debt related to the solid waste disposal system. (37 DCR 4242)

Disposal Area - any site, location, tract of land, area, building, structure or premises used or intended to be used for partial or total solid waste disposal.

Director - the Director of the Department of Public Works or the Director's representative, agent, or designee.

Domestic Refuse - all those types of refuse which normally originate in a residential household or apartment house.

Dwelling Unit - one or more habitable rooms forming a single unit which is used or intended to be used for living, sleeping, and preparation and eating of meals.

Enclosed Collection Vehicle - a vehicle that is specifically made or has been adapted for the collection of solid waste refuse, having a watertight body, either entirely enclosed or having a cover made of metal or other rigid material, with only the loading hopper exposed. (24 DCR 6800)

Estimated Material Processing Costs - the costs associated with the preparation, handling, and disposal of the various types of waste at the waste-handling facilities. These include prior fiscal year operating costs, estimated debt retirement or reserves, and other expenses attributable to operating the waste-handling facilities. (37 DCR 4242)

Food Waste (garbage) - animal and vegetable waste resulting from the storage, handling, preparation, cooking, or serving of foods.

Food Waste (garbage) Grinder - a device for pulverizing food waste (garbage) into the sanitary sewerage system.

Hazardous Wastes - those wastes that can cause serious injury or disease during the normal storage, collection, and disposal process, including but not limited to explosives, pathological and infectious wastes, radioactive materials, and dangerous chemicals.

Household Hazardous Wastes - small quantities of hazardous wastes generated from homes and similar sources that are exempt from federal regulations, but exhibit dangerous characteristics such as ignitability, corrosivity, reactivity, or toxicity. (D.C. Law 7-38)

I-95 Complex Fee - the cost per ton that the District government pays to dispose of a specific waste type at the I-95 Resource Recovery, Land Reclamation, and Recreational Complex in Fairfax County, Virginia. (37 DCR 4242)

Incinerator - any equipment, device or contrivance and all appurtenances of that equipment used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

Incinerator Residue - solid wastes which result from industrial processes and manufacturing operations, such as factories, processing plants, repair and cleaning establishments, refineries, and rendering plants. (18 DCR 16)

Industrial Waste - solid wastes which result from industrial processes and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.

Junk - a collection of sorted salvageable materials.

Market Agreement Rate - the projected cost of disposing each recyclable commodity based on an average derived from the prices stated in the District of Columbia's disposal agreements for the previous twelve (12) months, and adjusted to reflect published industry forecasts of changes in price. (37 DCR 4242)

Non-Combustible Refuse - miscellaneous refuse materials that are unburnable at ordinary incinerator temperatures of at least thirteen hundred degrees Fahrenheit (1300° F.).

Open Dump - an area on which there is an accumulation of solid waste from one or more sources without proper cover materials.

Operating Costs - any cost related to the daily operation of the waste-handling facilities, including but not limited to, the following:

(a) Personal Services:

- (1) Salaries;
- (2) Additional gross pay; and
- (3) Fringe benefits; and

(b) Non-Personal Services:

- (1) Supplies and materials;
- (2) Utilities, communication and building rentals;
- (3) Other services and charges provided by external parties;
- (4) Equipment purchase and rental; and
- (5) Subsidies and transfers. (37 DCR 4243)

Person - any individual, firm, partnership, company, corporation, trustee, association, or any other private or public entity.

Premises - a building, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to that building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which the building is located.

Projected Tonnage - the solid waste tonnage for the prior fiscal year, adjusted to reflect the estimated changes in tonnage for the current fiscal year as presented in the "Comprehensive Solid Waste Management Plan." (37 DCR 4243)

Putrescible Wastes - wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases, and similar objectionable conditions. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.

Recycling Surcharge - a fee imposed on each ton of solid waste disposed at the waste-handling facilities, computed by adding all costs associated with the handling and disposal of recyclable commodities. Computation of the surcharge includes, but is not limited to, the sum of (administrative costs attributable to the Office of Recycling, its activities and programs; costs attributable to municipal collection of recyclable commodities; market agreement rates; special handling costs; debt retirement; debt reserve) divided by projected tonnage. (37 DCR 4243)

Refuse - see solid waste.

Residue - the solid materials remaining after burning, comprising ash, metal, glass, ceramics, and unburned organic substances.

Rubbish - nonputrescible solid wastes (including ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard rubbish, wood, glass, bedding, crockery, or litter of any kind.

Solid Waste Disposer - a person who is a resident of the District of Columbia and who is not required by regulation to obtain a solid waste collector's license in the District of Columbia. (37 DCR 4243)

Solid Waste Refuse - putrescible and nonputrescible solid wastes, except body wastes, and including abandoned vehicles, food waste (garbage), rubbish, ashes, incinerator residue, street cleanings, tree debris, and solid market and industrial wastes.

Solid Waste Storage - the temporary on-site storage of solid waste.

Special Handling Costs - the extraordinary costs associated with the handling of a specific waste type at the waste-handling facilities. (37 DCR 4243)

Street Refuse - material picked up by manual or mechanical sweeping of alleys, streets and sidewalks, litter from public litter receptacles, and dirt removed from catch basins.

Supercans - a mobile refuse container on wheels having a serial number beginning with a DC prefix provided by the District to eligible premises specifically for use in the storage and collection of household refuse. (D.C. Law 5-20)

Waste - useless, unwanted, or discarded materials resulting from normal community activities. The term "waste" includes solids, liquids, and gases. Solid wastes are classed as refuse. The term "waste" also include, but is not limited to, notices, handbills, leaflets, flyers and any other advertising or informational material. (18 DCR 16 & D.C. Law 7-38)

Waste-Handling Facilities - the waste disposal facilities owned by, operated by, or under contract or agreement with the District of Columbia, including but not limited to, the Fort Totten Transfer Station, the Solid Waste Reduction Center No. 1, or the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia. (37 DCR 4243)

Weeds - uncultivated or wild vegetation that is greater than four inches (4 in.) in height. (D.C. Law 8-31)

Yard Rubbish - prunings, grass clippings, weeds, leaves, and general yard and garden wastes.

799.2 Terms and phrases used in §§730 through 741 of this chapter shall have the meaning as ascribed in §2 of the Solid Waste Facility Permit Act of 1995, D.C. Code §6-3451, unless expressly defined in this subsection:

Act - Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94; D.C. Code §6-3451 *et seq.* (1995 Repl. Vol.)).

Department - the Department of Consumer and Regulatory Affairs.

Director - the Director of the Department of Consumer and Regulatory Affairs, or the Directors representative, agent, or designee.

Disease Vector - Rodents, flies, mosquitoes, cockroaches, or other animals or insects capable of transmitting disease to humans.

Operator - the person or persons possessing or exercising operational or managerial control over the solid waste facility.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971), 8 DCRR §8-3:603; as amended by Regulation 73-26, approved December 14, 1973, 20 DCR 545 (January 21, 1974); by §2(a) of the Solid Waste Control Act of 1977, D.C. Law 2-69, 24 DCR 6800 (February 17, 1978); §2(b) of the Solid Waste Regulations Amendments Act of 1983, D.C. Law 5-20, 30 DCR 3331 (July 8, 1983); by §3(a) of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 5326 (August 14, 1987); by §3 of the District of Columbia Solid Waste Regulations Amendments Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4752 (July 7, 1989); by Final Rulemaking published at 37 DCR 4238 (June 29, 1990); and by Final Rulemaking published at 43 DCR 6816, 6837 (December 20, 1996).